

REMARKS

I. Interview of July 23, 2008

Applicant and attorney therefor first wish to again thank the Examiner for his time and attention during the Examiner Interview conducted telephonically on July 23, 2008.

On July 23, 2008, discussion was had about the independent claims of the present invention between the Examiner, the undersigned, and co-inventor William Bohach. A facsimile was provided to the Examiner, which was labeled "July 22, 2008 DRAFT - FOR DISCUSSION PURPOSES ONLY," and a copy thereof is attached hereto as Exhibit A for the completeness of the record. The facsimile was discussed during the Examiner Interview, and, though formal agreement was not reached, the Examiner seemed optimistic about the allowability of the amended claims.

II. The Office Action

Claims 1, 3-16, 18-32, and 36-63 are pending, and Claims 1, 3-6, 12-15, 29, 36, 38, and 41 are currently amended. Claims 2, 17, and 33-35 have been cancelled.

In the Office Action, the Examiner rejects Claims 1-32 and 36-63 under 35 U.S.C. § 102(b) as allegedly anticipated by "or, in the alternative," under 35 U.S.C. § 103(a) as allegedly being rendered obvious over U.S. Patent Nos. 4,310,483 (Dorfel), 5,199,986 (Krockert), and/or 3,660,129 (Luginsland). At least for the reasons discussed below, Applicant respectfully requests reconsideration and allowance of all pending Claims:

a. Independent Claim 1

Applicant has amended independent Claim 1 to recite that the rotated hollow vessel has "a plurality of inwardly extending paddles with concave segments" for "lifting" the particles, and that rotation of the vessel causes the paddles to "dispense." Also, Applicant has amended independent Claim 1 to recite agglomerating to form pseudoparticles "substantially free of binding agents." Applicant respectfully submits that Dorfel, Krockert, and/or Lunginsland, alone and/or in combination with one another, fail to disclose or suggest all features recited by amended Claim 1 and respectfully requests allowance thereof.

b. Independent Claim 29

Applicant has amended independent Claim 29 to recite that the paddles extending from the inner cylindrical surface each have a "concave segment," and independent Claim 29 recites that rotation of the cylinder causes such paddles to "lift" and "dispense." Also, Applicant has amended independent Claim 29 to recite that the avalanching is to form pseudoparticles "substantially free of binding agents." Applicant respectfully submits that Dorfel, Krockert, and/or Lunginsland, alone and/or in combination with one another, fail to disclose or suggest all features recited by amended Claim 29 and respectfully requests allowance thereof.

c. Independent Claim 36

Applicant has amended independent Claim 36 to recite that the paddles extending from the inner cylindrical surface have "concave segments," and independent Claim 36 recites "lifting" and "dispensing" by rotating the inner surface. Also, independent Claim 36 recites that a plurality of paddles are positioned in a "helical formation." Applicant respectfully submits that Dorfel, Krockert, and/or Lunginsland, alone and/or in combination with one another, fail to disclose or suggest all features recited by amended Claim 36 and respectfully requests allowance thereof.

d. Independent Claim 38

Applicant has amended independent Claim 38 to recite "paddle" means for "lifting" and "dispensing." Independent Claim 38 is also amended to recite that the paddle means includes a "concave" segment, and is further amended to recite means for "rotating the paddles means" and agglomerating. Applicant respectfully submits that Dorfel, Krockert, and/or Lunginsland, alone and/or in combination with one another, fail to disclose or suggest all features recited by amended Claim 38 and respectfully requests allowance thereof.

e. Independent Claim 41

Applicant has amended independent Claim 41 to recite that the paddles include a "concave" segment. Moreover, independent Claim 41 recites that such paddles "lift and dispense" in response to rotation of the vessel. Applicant respectfully submits that Dorfel, Krockert, and/or Lunginsland, alone and/or in combination with one another, fail

to disclose or suggest all features recited by amended Claim 41 and respectfully requests allowance thereof.

f. *Independent Claim 44*

Independent Claim 44 recites that the paddles have an attachment end, a dispenser end, and a concave segment therebetween. Moreover, independent Claim 44 further recites that the paddle faces in the direction of rotation. Applicant respectfully submits that Dorfel, Krockert, and/or Lunginsland, alone and/or in combination with one another, fail to disclose or suggest all features recited by Claim 44 and respectfully requests allowance thereof.

g. *Dependent Claims 3-16, 18-28, 30-32, 37, 39-40, 42-43, and 45-63*

Applicant respectfully submits that each one of dependent Claims 3-16, 18-28, 30-32, 37, 39-40, 42-43, and 45-63 is patentable at least by virtue of being dependent from an independent claim, which, at least for the reasons discussed above, Applicant respectfully submits is patentable. At least for this reason, Applicant respectfully requests allowance of all pending dependent claims, while reserving the right to argue for the independent patentability of all claims.

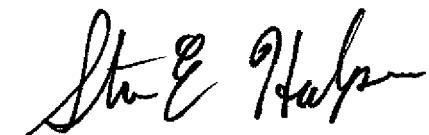
Amendment to the dependent claims has been made for reasons unrelated to patentability. For example, dependent Claims 2 and 17 have been cancelled by virtue of the amendment to Claim 1. As another example, dependent Claims 3-6 and 12-15 have been amended to comport with conventional principles of "antecedent basis."

III. Conclusion

At least for the reasons discussed above, Applicant respectfully requests withdrawal of all rejections and allowance of all pending claims. Should there remain any questions or other matters whose resolution could be advanced by a telephone call, the Examiner is invited to contact the undersigned attorney at his number below. The Examiner is authorized to charge any fees associated with this Reply, charge any underpayment, and/or credit any overpayment to Deposit Account No. 503571.

Respectfully submitted,

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Dated July 31, 2008

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